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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Albrecht et al. )  
Serial No.: 09/748,642 ) Examiner: K.  
Filed: December 22, 2000 ) Lacourciere  
For: INHIBITION OF CELLULAR )  
PROTEASES )

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the June 20, 2002, written restriction requirement, applicants provisionally elect the invention of Group II (claims 1, 5-9 and 13-18) with traverse.

With respect to the restriction between Groups I and II, applicants submit that the subject matter of these groups are closely related, and, therefore, would require common areas of search and consideration. There are two criteria for restriction, namely, (1) the invention must be independent or distinct; and (2) there must be a serious burden on the Examiner if restriction is not required. See Manual of Patent Examining Procedure ("MPEP") § 803. Applicant contends that searching the allegedly distinct inventions of Groups I and II would not place a serious burden on the Examiner if restriction is not required.

Further, the allegedly distinct inventions of Groups I and II are not, in fact, independent or distinct. The claims of Group I and II are related (and are, therefore, dependent and indistinct), because the claims of each group are directed to a method which comprises "decreasing levels of functional cellular protease in the cells". The inventions of

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Groups I and II, as set out by the U.S. Patent and Trademark Office, are two illustrative ways to decrease levels of functional cellular protease. More particularly, claim 1 is a generic claim (See MPEP § 806.04(d)). As such, a reasonable number of species may be claimed in one application (See MPEP § 806.04(a)). Accordingly, the restriction requirement is improper and should be withdrawn.

Respectfully submitted,

July 22, 2002  
Date

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